

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

IN RE:

PAGENERGY COMPANY, LLC

TOBY SHOR AND SEASHORE
INVESTMENTS MANAGEMENT
TRUST

v.

PAUL BLACK; BNP HOLDINGS, LTD.;
BNP OIL & GAS PROPERTIES, LTD.;
BNP COMMERCIAL PROPERTIES,
LTD.; BNP PETROLEUM CORPORATION;
PBF INVESTMENTS, LTD.; PAGENERGY
COMPANY; L.L.C.; TSE EQUITIES I,
LLC; TSE EQUITIES COMPANY, LTD;
BNP MANAQMEMENT LLC; 500
WATER STREET PROPERTY, LLC
AND 500 N. WATER STREET
PROPERTY I, LLC.

] BANKRUPTCY NO. 10-20867

CHAPTER 11

ADVERSARY NO. 10-_____

PETITION FOR REMOVAL

This petition for removal is filed pursuant to 28 U.S.C. section 1452 by Petitioner.

1. Petitioner is the defendant and counter plaintiff in a civil action (NO. 08-60699-1) pending in the County Court at Law No. 1, Court of Nueces County, Texas, wherein the plaintiffs are as follows: TOBY SHOR TRUSTEE AND SEASHORE INVESTMENTS MANAGEMENT TRUST. A true and correct copy of all process, pleadings, and orders served upon Petitioners in the state court action is attached or will be available on request or at hearing. Also attached is the notice of removal that is being filed in the state court action.

2. The state court action is a civil suit for money damages in which the plaintiffs allege that the defendants owes monies. This is a core proceeding. Plaintiffs seek to confirm an Arbitration Award and the Defendants have affirmative claims and offsets.

3. This case is removable pursuant to 28 U.S.C. section 1452 because this is a case arising under title 11 of the United States Code or arising in a case under title 11. This Court has jurisdiction under 28 U.S.C. sections 1334 and 157(b). Any judgment that might be rendered in favor of the plaintiffs in the state court action against other defendants would include potential claims of the debtor in the action now pending and/or constitute a claim for and against this estate before this Court, styled In Re: Pagenergy Company, LLC, Bankruptcy No. 10-20867. The individual plaintiffs are Toby Shor and Seashore Investments Management Trust. The defendants in state court are PAUL BLACK; BNP HOLDINGS, LTD.; BNP OIL & GAS PROPERTIES, LTD.; BNP COMMERCIAL PROPERTIES, LTD.; BNP PETROLEUM CORPORATION; PBF INVESTMENTS, LTD.; PAGENERGY COMPANY; L.L.C.; TSE EQUITIES I, LLC; TSE EQUITIES COMPANY, LTD; BNP MANAQMEMENT LLC; 500 WATER STREET PROPERTY, LLC AND 500 N. WATER STREET PROPERTY I, LLC.

4. Petitioner request this matter heard by the Bankruptcy Court.

Therefore, Petitioners pray that this action be removed from state court to this Court. Petitioners pray for all other just relief.

Respectfully submitted,

/s/

Craig S. Smith
TX State Bar ID 18553570
14493 S.P.I.D., Suite A, P.M.B. 240
Corpus Christi, Tx. 78418
csslaw@stx.rr.com
361-728-8037
Attorney for Pagenergy Company, LLC

Certificate

I hereby certify a true copy of the foregoing instrument was served upon United States Trustee and Jean C. Frizzell, Attorney of record for Plaintiff, by first class U.S. Mail or ecf.

Dated: November 18, 2010.

/s/

Craig S. Smith

VERIFICATION

I, Paul Black, Manager of Pagenergy Company, LLC, state the above is true and correct under penalties of perjury.

Dated: November 18, 2010.

/s/ _____
Paul Black
for Pagenergy Company, LLC

NO. 08-60699-1

TOBY SHOR AND SEASHORE
INVESTMENTS MANAGEMENT
TRUST
PLAINTIFF

VS.

PAUL BLACK; BNP HOLDINGS, LTD.;
BNP OIL & GAS PROPERTIES, LTD.;
BNP COMMERCIAL PROPERTIES,
LTD.; BNP PETROLEUM CORPORATION;
PBF INVESTMENTS, LTD.; PAGENERGY
COMPANY; L.L.C.; TSE EQUITIES I,
LLC; TSE EQUITIES COMPANY, LTD;
BNP MANAQMEMENT LLC; 500
WATER STREET PROPERTY, LLC
AND 500 N. WATER STREET
PROPERTY I, LLC.

DEFENDANT

] IN THE COUNTY COURT AT
LAW NO. 1

NUECES COUNTY, TEXAS

NOTICE OF FILING PETITION FOR REMOVAL

TO: Clerk of the Court, County Court at Law No. 1, Nueces County, Texas

Please take notice that on the 18 day of November, 2010, Defendant, Pagenergy Company, LLC, filed a Petition for Removal of this action and all claims and causes of action herein to the United States Bankruptcy Court for the Southern District of Texas, Corpus Christi Division, pursuant to 28 U.S.C. section 1452. By virtue of the order of reference previously entered by the adversary proceeding in the United States Bankruptcy Court proceeding relating to Pagenergy Company LLC, Debtor, Case No. 10-20867, pending before the Honorable R. Schmidt, U.S. Bankruptcy Court, Southern District of Texas, Corpus Christi Division. Attached hereto is a conformed copy of the Petition for Removal filed in the United States Bankruptcy Court for the Southern District of Texas, Corpus Christi Division.

Respectfully submitted,

/s/

Craig S. Smith
Tx State Bar ID 18553570

14493 SPID, Suite A, P.M.B. 240
Corpus Christi, Tx. 78418
361-728-8037
csslaw@stx.rr.com

Certificate

I hereby certify a true copy of the foregoing instrument was served upon Jean C. Frizzell, Attorney of record for Plaintiff, by first class U.S. Mail or ecf.

Dated: November 18, 2010.

/s/ _____
Craig S. Smith